



Elizabeth Brannen Carter
Facsimile: 334.832.7419
ecarter@hillhillcarter.com

Hill, Hill, Carter,
Franco, Cole & Black, P.C.
Attorneys at Law

Post Office Box 116
Montgomery, AL 36101-0116

425 South Perry Street
Montgomery, Alabama 36104

Telephone: 334.834.7600
www.HillHillCarter.com

January 16, 2007

Gregg L. Smith, Esquire
4905 Branch Mill Circle
Birmingham, Alabama 35223

RE: *Louie Alexander v. Opelika City Board of Education*
In the U.S. District Court for the Middle District of Alabama, Eastern
Division
Case No.: 3:06-cv-498-WKW

Dear Mr. Smith:

Pursuant to Rule 37 of the *Federal Rules of Civil Procedure* please find this correspondence as my attempt to rectify the outstanding discovery issues we have in this case before going to the Court for assistance. I am confident that we can work out a mutually convenient time for me to take the plaintiff's deposition and that we can work out an acceptable schedule for plaintiff to answer the written discovery the defendant has propounded upon him.

Please contact me by January 24, 2007 regarding this matter. I appreciate your immediate attention.

Sincerely,

Transcribed and mailed in her absence

Elizabeth Brannen Carter

EBC/kc

cc: Mark D. Neighbors
James R. Seale, Esq.

EXHIBIT

A

tabbed



Liz Carter

From: Liz Carter
Sent: Thursday, January 11, 2007 1:17 PM
To: 'greggsmith@bellsouth.net'
Subject: Alexander v. City of Opelika

I wanted to check in with you because we still have not heard from you regarding when we can expect the plaintiff's responses to discovery and when we can take the plaintiff's deposition. Please let me know when you are available for the deposition within the next couple of days so I can get that on my calendar. Much thanks, Liz

Elizabeth Branner Carter

Hill, Hill, Carter, Franco, Cole & Black, P.C.
425 South Perry Street
Montgomery, Alabama 36104

NOTICE: This e-mail is from a law firm, Hill, Hill, Carter, Franco, Cole & Black, P.C. ("HHC"), and is intended solely for the use of the individual(s) to whom it is addressed. If you believe you received this e-mail in error, please notify the sender immediately, delete the e-mail and any attachments from your computer, and do not copy or disclose this email or any attachments to anyone else. If you are not an existing client of HHC, do not construe anything in this e-mail to make you a client unless it contains a specific statement to that effect and do not disclose anything to HHC in reply that you expect it to hold in confidence. If you properly received this e-mail as a client, co-counsel or retained expert of HHC, you should maintain its contents in confidence in order to preserve the attorney-client, work product and other privileges that may be available to protect confidentiality.

Although this email is believed to be free of any virus or other defects that might affect any computer system in which it is received, it is the responsibility of the recipient to ensure that it is virus free; HHC accepts no responsibility for any loss or damage arising in any way from its use.

IRS CIRCULAR 230 DISCLOSURE: Pursuant to U.S. Treasury Regulations, we are now required to advise you that (1) unless explicitly stated above to the contrary, the contents and conclusions (if any) contained in this communication (including any attachments) are preliminary in nature and do not express a formal opinion contemplated by IRS Circular 230; (2) nothing contained in this communication (including any attachments) is intended to be used, or may be relied upon or used, by any taxpayer for the purpose of avoiding penalties that may be imposed under the Internal Revenue Code; and (3) any statement contained in this communication (including any attachments) relating to any federal tax issue may not be used by any person to support the promotion, marketing of, or used to recommend any transaction or matter addressed in this communication.



Elizabeth Brannen Carter
Facsimile: 334.832.7419
ecarter@hillhillcarter.com

Hill, Hill, Carter,
Franco, Cole & Black, P.C.
Attorneys at Law
Post Office Box 116
Montgomery, AL 36101-0116
425 South Perry Street
Montgomery, Alabama 36104
Telephone: 334.834.7600
www.HillHillCarter.com

January 4, 2007

Gregg L. Smith, Esquire
4905 Branch Mill Circle
Birmingham, Alabama 35223

**RE: *Louie Alexander v. Opelika City Board of Education*
In the U.S. District Court for the Middle District of Alabama, Eastern
Division
Case No.: 3:06-cv-498-WKW**

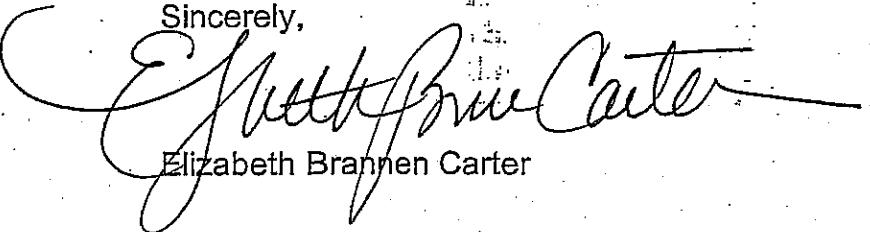
Dear Mr. Smith:

Enclosed please find correspondence dated October 24, 2006, November 7, 2006 and December 11, 2006 regarding the Plaintiff's Initial Disclosures, written responses to the discovery sent to the Plaintiff and the scheduling of Plaintiff's deposition. To date, I have not heard from you regarding the outstanding information or scheduling of Plaintiff's deposition. A review of the scheduling order shows that the discovery deadline is some time off but the dispositive motions are in March 2007. Therefore, I would like to take the Plaintiff's deposition and receive the outstanding information in January 2007. Please let me hear from you regarding when we might expect the Initial Disclosures and written responses to discovery and let me know which of the following dates are convenient for you for me to take the Plaintiff's deposition in this matter. I am providing all dates that I have available in the month of January in an attempt to schedule the deposition as soon as possible. My available dates are as follows:

January 15, 18, 22, 24, 25, 26, 2007

I look forward to hearing from you soon. Thank you for your cooperation in this matter.

Sincerely,


Elizabeth Brannen Carter

EBC/kc
Enclosures
cc: Mark D. Neighbors

Elizabeth Brannen Carter
Facsimile: 334-832-7419
ecarter@hillhillcarter.com

Hill, Hill, Carter,
Franco, Cole & Black, P.C.
Attorneys at Law

Post Office Box 1116
Montgomery, AL 36101-0116

425 South Perry Street
Montgomery, Alabama 36104

Telephone: 334-834-7600
www.HillHillCarter.com

December 11, 2006

COPY

Gregg L. Smith, Esquire
4905 Branch Mill Circle
Birmingham, Alabama 35223

RE: *Louie Alexander v. Opelika City Board of Education*
In the U.S. District Court for the Middle District of Alabama, Eastern
Division
Case No.: 3:06-cv-498-WKW

Dear Mr. Smith:

I have had no response from you regarding Plaintiff's Initial Disclosures, Plaintiff's responses to written discovery and our request to take the Plaintiff's deposition. The discovery cut-off is fast approaching and it is essential that we receive this information and schedule Plaintiff's deposition as soon as possible.

Please call me at your earliest convenience and I am sure we can work this out. Thank you in advance for your cooperation regarding these matters.

Sincerely,

Transcribed and mailed in her absence

Elizabeth Brannen Carter

EBC/kc

Elizabeth Brannen Carter
Facsimile: 334-832-7419
ecarter@hillhillcarter.com

Hill, Hill, Carter,
Franco, Cole & Black, P.C.
Attorneys at Law

Post Office Box 1116
Montgomery, AL 36101-0116

425 South Perry Street
Montgomery, Alabama 36104

Telephone: 334-834-7600
www.HillHillCarter.com

November 7, 2006

COPY

Gregg L. Smith, Esquire
4905 Branch Mill Circle
Birmingham, Alabama 35223

RE: *Louie Alexander v. Opelika City Board of Education*
In the U.S. District Court for the Middle District of Alabama, Eastern
Division
Case No.: 3:06-cv-498-WKW

Dear Mr. Smith:

I have not heard from you regarding your Initial Disclosures or dates you are available for your client's deposition. I am writing to propose the following dates for the deposition of the plaintiff as follows:

November 28, 29 or 30, 2006.

Please let me hear from you regarding your availability and when we might be in receipt of your Initial Disclosures.

Thank you in advance for your attention to this matter. I hope all is well.

Sincerely,

Elizabeth Brannen Carter

EBC/kc

Elizabeth Brannen Carter
Facsimile: 334.832.7419
ecarter@hillhillcarter.com

Hill, Hill, Carter,
Franco, Cole & Black, P.C.
Attorneys at Law

Post Office Box 1116
Montgomery, AL 36101-0116

425 South Perry Street
Montgomery, Alabama 36104

Telephone: 334.834.7600
www.HillHillCarter.com

October 24, 2006

COPY

Gregg L. Smith, Esquire
4905 Branch Mill Circle
Birmingham, Alabama 35223

RE: *Louie Alexander v. Opelika City Board of Education*
In the U.S. District Court for the Middle District of Alabama, Eastern
Division
Case No.: 3:06-cv-498-WKW

Dear Mr. Smith:

I have not received your Initial Disclosures regarding the above matter. To my recollection you were adamant about the due date for that information. As you know, I have requested to take the plaintiff's deposition and have sent written discovery requests. One of those requests asks more specific information about your Initial Disclosures which I have not yet had the opportunity to review.

I look forward to hearing from you soon regarding scheduling the plaintiff's deposition and receiving plaintiff's Initial Disclosures. If you would like to discuss these matters, please do not hesitate to call me. Otherwise, I hope all is well and I look forward to talking to you.

Sincerely,

TRANSCRIBED AND MAILED IN HER ABSENCE

Elizabeth Brannen Carter

EBC/kc